

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jay A. Halpin,

Civil No. 06-3096 (DWF/JSM)

Plaintiff,

v.

ORDER

Warden Darren Swenson, Joan Fabain,
and Minnesota Department of Corrections,

Defendants.

Jay A. Halpin, *Pro Se*, Plaintiff.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated September 22, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. No. 2), is **DENIED**; and

2. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: October 18, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Court Judge